

**CAMPBELL COUNTY FISCAL COURT  
MINUTES**

**February 2, 2011**

A regular meeting of the Campbell County Fiscal Court was held on Wednesday, February 2, 2011, 7:00 p.m. at the Campbell County Courthouse located at 8352 East Main Street, Alexandria, Kentucky.

In attendance at the meeting were:

COUNTY JUDGE/EXECUTIVE:  
STEVE PENDERY

COUNTY COMMISSIONERS:  
PETE GARRETT  
BRIAN PAINTER  
KENNETH RECHTIN

Robert Horine	County Administrator
Melissa Williams	Director of Administration
Steve Franzen	County Attorney
Jim Seibert	Fiscal Director
Paula Spicer	Fiscal Court Clerk
Keith Hill	Police Chief
Peter Klear	Director of Planning and Zoning
William Turner	Director of Office of Emergency Management

The meeting was called to order at 7:00 p.m. by Judge Pendery. Cable Access was present to film the meeting.

Judge Pendery asked for a moment of silence followed by the Pledge of Allegiance. Following roll call, a quorum was declared present.

Minutes from the Fiscal Court meeting of January 19, 2011 were presented. Motion was made by Commissioner Rechtin, seconded by Commissioner Garrett, to approve the minutes. All voted "AYE" and the motion passed.

J C Morgan, Director of the Campbell County Public Library, presented a report on the Campbell County Public Library beginning with a history of the library in Campbell County. He explained the kinds of services and activities offered at the library and then provided some statistics on the number of visitors and number and kinds of materials loaned by the library. Mr. Morgan stated that the library owns property in the southern part of Campbell County and hopes to build a branch there soon. Mr. Morgan answered questions from the Fiscal Court and members of the audience.

Judge Pendery asked if anyone would like to address the Fiscal Court on any issue other than smoking.

JR Roth, League of Kentucky Property Owners, asked for some clarification on the ordinance regarding HVAC inspections and the need for permits. Peter Klear stated that the State of Kentucky has mandated that a permit is required for any work on an HVAC system effective January 1, 2011. The permit fee is based on the value of the work, with a minimum fee of \$75. Judge Pendery stated that he and others from Northern Kentucky go to Frankfort several times during the legislative sessions and he has testified before committees many times regarding proposed laws with mixed results. Judge Pendery advised that citizens can contact their state senators and representatives with their concerns about this new regulation. Robert Horine read a press release from the State regarding the new regulations which indicates that it only applies to new installations. He stated that the County is involved only because its inspectors will be performing the required inspection services for the State and for some cities if they request it. The State requires that the County's fees for this service match the State's fees. The State will be contacted to clarify the new regulations which will then be posted on the County's website for interested citizens and contractors.

Judge Pendery then began to call on individuals who signed up to speak about the smoking regulations. The following persons addressed the Fiscal Court: Charlie Coleman, Gary Simpson, Dr. Pat Miles, Dr. Rob Tracy, Rita Hauke, Kathy Nafus, Kevin Hollan, Jenny Beene-Skuban, Cara Stewart, JR Roth, Don Hilker, Tyler Tipton, Terry Connley, Jason Cox, Tom Murphy and Sue Brooker. Proponents of the smoking ban urged the Fiscal Court to keep it in place citing public safety and health issues. Opponents want the ban repealed stating that it infringes on business owners' and individual's rights and choices. Several opponents of the ban questioned the validity of a survey about smoking in Northern Kentucky that was taken a few years ago.

Melissa Williams presented old business with a second reading of Ordinance O-01-11 which was read by title and summary given. O-01-11 adopted a revised fee schedule to include state-mandated fees for heating, ventilation and air conditioning (HVAC) inspection services. The Kentucky General Assembly in 2007 adopted regulations requiring that all new heating, ventilation and air conditioning systems be inspected by a state-licensed HVAC inspector effective January 1, 2011. These regulations also included a fee schedule for such inspections. In order for its inspectors to perform these services, Campbell County must amend its fees to match those mandated by the State. Commissioner Rehtin made a motion to adopt O-01-11, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

Ms. Williams then proceeded to new business with Ordinance O-03-11 which was read by title and summary given. Ordinance O-03-11 updates the official list of roads in Campbell County, Kentucky, that will be controlled and maintained by the Campbell County Fiscal Court, and amends Ordinance O-10-08 to add the following roads to said official list: Darlington Creek Drive, Walnut Creek Drive and Sycamore Creek Drive. These newly constructed roads were inspected and found to meet the County's standards. This is a first reading of the ordinance therefore no vote is required at this time.

Resolution R-10-11 was read by title and summary given. R-10-11 supports the establishment of a federal funding mechanism to support construction of a new interstate bridge across the Ohio River. The resolution refers to the replacement of the Brent Spence Bridge, and requests that Congress create a funding mechanism for this nationally significant project that impacts the safety and economic viability of 60 Congressional Districts, millions of travelers and thousands of shippers and manufacturers. Commissioner Rehtin made a motion to adopt R-10-11, seconded by Commissioner Painter. Judge Pendery explained that there is no consensus on how to fund future transportation projects. He stated that most of the money for these projects comes from the tax on gasoline; however the amount of tax generated by gasoline sales can not compare to the cost of maintaining highways. He stated that the State also has to provide a percentage of the cost of the bridge replacement project. Judge Pendery stated that the Brent Spence Bridge is not just a local project; it must be recognized by the federal government as a national priority and funded accordingly. All voted "AYE" and the motion passed.

Resolution R-11-11 was read by title and summary given. R-11-11 authorizes the Judge/Executive to execute a Purchase Order Agreement with the Commonwealth of Kentucky Office of Homeland Security for a grant in the amount of \$85,500.00 to be used for the purchase and installation of four outdoor emergency alert devices. The grant funds will be used to replace four outdoor sirens in the County. The required match for the grant will be provided jointly by the County and the Cities of Ft. Thomas and Wilder. Commissioner Rehtin made a motion to adopt R-11-11, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to proclaim March 16, 2011 as "Brain Injury Awareness Day" in Campbell County and urge all citizens to work together to prevent brain injuries, educate others about the effects of brain injury and to support brain injury survivors and their families. This proclamation was requested by the planning committee for Northern Kentucky Traumatic Brain Injury Conference to be held on March 25, 2011 at Receptions Banquet Center in Erlanger, Kentucky. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Deborah Franz to the position of full-time Animal Technician at the Campbell County Animal Shelter effective February 2, 2011 with compensation set at Grade 6L (\$12.37/hour). Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire to fill the position of part-time Animal Technician at the Campbell County Animal Shelter due to the promotion of Deborah Franz. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to accept the resignation of Jason Oldiges, IT Director, effective February 9, 2011. Motion was made by Judge Pendery, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise, interview and hire to fill the position of IT Director. Motion was made by Judge Pendery, seconded by Commissioner Rehtin.

Commissioner Rehtin requested that the motion be amended to include that staff be instructed to also prepare an RFP for contractual IT services, and report to the Fiscal Court prior to making a recommendation. He would like to see a cost analysis of a full-time director vs. contract services. Robert Horine explained that the Fiscal Court currently has authorized two full-time and one intern positions in the IT Department, and also has a contract for IT services to support these positions. It was pointed out that the County also has contracts to provide IT services to other cities. Judge Pendery stated that there are advantages to having a full-time director and he doesn't think there will be much difference in the cost of having a director and paying for contractual services. He suggested that this be tabled until they can further discuss the issue. Commissioner Rehtin withdrew his second of the original motion.

A motion was requested to appoint Lauri Harding to the Campbell County and Municipal Planning and Zoning Commission for a term effective February 2, 2011 through March 2, 2014. Motion was made by Judge Pendery, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to appoint Robert Heil to the Tri-ED Board of Directors for a term effective February 2, 2011 through July 12, 2013. Motion was made by Judge Pendery, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

Robert Horine expressed his appreciation to William Turner and Ron Schneider of the Campbell County Office of Emergency Management and to Greg Schultz of the Ft. Thomas Fire Department for their efforts to secure the \$85,500 grant for the outdoor emergency alert devices.

Commissioner Garrett, a member of the Campbell County Conservancy, advised that the public meeting scheduled for February 10, 2011 to discuss the development plan for Hawthorn Crossing Conservation Area has been postponed. Several inventories and studies on the area have been completed, but there is still much more to be done on the project, so they've requested a one-year extension from the State to submit the development plan. Commissioner Garrett described the work being done at the area by Northern Kentucky University Center for Applied Ecology.

Commissioner Painter advised that he and Commissioner Garrett attended the SD1 rate hearing at Campbell County Middle School on January 27, 2011. He stated that SD1's presentation focused on the debt accumulated in complying with the provisions of the 1972 Clean Water Act. He was surprised to learn that SD1 projects that their debt service will be larger than their operating costs by 2012. Much of their costs are attributed to unfunded mandates from the EPA. Mark Wurschmidt, SD1's Acting Director, indicated that HB 504 may be helpful in trying to manage costs associated with unfunded federal mandates. He also spoke in favor of the REINS Act, an accountability act introduced by Congressman Geoff Davis. Based on Mr. Wurschmidt's presentation Commissioner Painter requested that the Fiscal Court consider adopting a resolution in support of HR 10, the REINS Act.

Commissioner Painter stated that he has received many comments on how well the County Road Department is clearing the roads during the recent snows. He stated that he rode along with a driver last Thursday night and was very impressed with their professionalism and dedication.

Commissioner Painter announced that he is keeping hours at the Fiscal Court building on Fridays from about 2:00 to 5:00 p.m. He invited anybody who would like to meet with him to contact him to schedule an appointment.

Judge Pendery announced that the time of the February 16, 2011 Fiscal Court meeting will be changed from 5:30 p.m. to 7:00 p.m. to accommodate the expected large crowd. Motion to change the meeting time was made by Judge Pendery, seconded by Commissioner Garrett. Commissioner Rehtin pointed out that this is being done due to comments that the meeting is too early in the northern part of the County for people to get to after work. All voted "AYE" and the motion passed.

Jim Seibert requested a motion to authorize staff to advertise for bids to replace the Visalia Road Bridge. He advised that the County received \$81,100 in Kentucky Rural Secondary 80/20 Funds in 2010 to replace this bridge. Motion was made by Commissioner Painter, seconded by Judge Pendery. All voted "AYE" and the motion passed.

A motion was requested to authorize staff to advertise for bids to resurface the following County Roads: Daniels Road, Rice Road, Ridge Road, East Alexandria Pike from KY 709 to East Low Gap Road and Darlington Road from Lower Tug Fork to the end of the road. The work will be funded with Kentucky Rural Secondary "Flex Funds" from 2009 and 2010. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

A motion was requested to acknowledge acceptance of the Bonds of Constables Cameron Alexander and Jeff Kidwell. Motion was made by Commissioner Garrett, seconded by Commissioner Rehtin. All voted "AYE" and the motion passed.

A motion was requested to acknowledge for the record that the bonds for the Treasurer and Occupational Tax Department are in place for 2011 as required by the Kentucky Revised Statutes. Motion was made by Commissioner Garrett, seconded by Commissioner Painter. All voted "AYE" and the motion passed.

Mr. Seibert then requested a motion to approve the claims as presented for February 2, 2011. County Attorney Steve Franzen stated that he has reviewed the claims and all appear appropriate. Motion was made by Commissioner Rehtin, seconded by Commissioner Garrett. All voted "AYE" and the motion passed.

There being no further business to come before the Fiscal Court, Commissioner Rehtin made a motion to adjourn, seconded by Judge Pendery. All voted "AYE" and the meeting adjourned at 9:13 p.m.

**Attachments:**

- Ordinance O-01-11 Revised Fee Schedule for HVAC Inspections
- Ordinance O-03-11 Amend County Maintained Road List
- Resolution R-10-11 Support Federal Funding Mechanism for a Interstate Bridge
- Resolution R-11-11 Purchase Order Agreement with Kentucky Office of Homeland Security

Claims of February 2, 2011

Approved:

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STEVE PENDERY  
Judge/Executive

Attest:

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Paula K. Spicer  
Fiscal Court Clerk